

# **Exhibit 4**

Facility Number 52-02

- ☒ Division of Water Quality  
☐ Division of Soil and Water Conservation  
☐ Other Agency \_\_\_\_\_

Type of Visit ☒ Compliance Inspection ☐ Operation Review ☐ Structure Evaluation ☐ Technical Assistance  
 Reason for Visit ☐ Routine ☐ Complaint ☐ Follow up ☒ Referral ☐ Emergency ☐ Other ☐ Denied Access

Date of Visit: 10-22-07 Arrival Time: \_\_\_\_\_ Departure Time: \_\_\_\_\_ County: Jones Region: Wako

Farm Name: Banks Farms Owner Email: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Facility Contact: Jeff Thomas Title: \_\_\_\_\_ Phone No: \_\_\_\_\_

Onsite Representative: Jeff Thomas Integrator: PSF

Certified Operator: Frederick A. McLanwhorn Operator Certification Number: 16338

Back-up Operator: Justin T. McLanwhorn Back-up Certification Number: 989076

Location of Farm: Cecil J. Thomas 16347 Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

| Swine  | Design Capacity | Current Population | Wet Poultry  | Design Capacity | Current Population | Cattle                                  | Design Capacity | Current Population |
|--|-----------------|--------------------|--|-----------------|--------------------|---|-----------------|--------------------|
| <input type="checkbox"/> Wean to Finish              |                 |                    | <input type="checkbox"/> Layer   |                 |                    | <input type="checkbox"/> Dairy Cow      |                 |                    |
| <input checked="" type="checkbox"/> Wean to Feeder   | <u>4380</u>     |                    | <input type="checkbox"/> Non-Layer   |                 |                    | <input type="checkbox"/> Dairy Calf     |                 |                    |
| <input checked="" type="checkbox"/> Feeder to Finish | <u>10320</u>    |                    | <b>Dry Poultry</b><br><input type="checkbox"/> Layers<br><input type="checkbox"/> Non-Layers<br><input type="checkbox"/> Pullets<br><input type="checkbox"/> Turkeys<br><input type="checkbox"/> Turkey Poults<br><input type="checkbox"/> Other |                 |                    | <input type="checkbox"/> Dairy Heifer   |                 |                    |
| <input type="checkbox"/> Farrow to Wean              |                 |                    |  |                 |                    | <input type="checkbox"/> Dry Cow        |                 |                    |
| <input type="checkbox"/> Farrow to Feeder            |                 |                    |  |                 |                    | <input type="checkbox"/> Non-Dairy      |                 |                    |
| <input type="checkbox"/> Farrow to Finish            |                 |                    |  |                 |                    | <input type="checkbox"/> Beef Stocker   |                 |                    |
| <input type="checkbox"/> Gilts                       |                 |                    |  |                 |                    | <input type="checkbox"/> Beef Feeder    |                 |                    |
| <input type="checkbox"/> Boars                       |                 |                    |  |                 |                    | <input type="checkbox"/> Beef Brood Cow |                 |                    |
| <b>Other</b><br><input type="checkbox"/> Other       |                 |                    |  |                 |                    | Number of Structures: <u>3</u>          |                 |                    |

**Discharges & Stream Impacts**

1. Is any discharge observed from any part of the operation?

☐ Yes ☒ No ☐ NA ☐ NE

Discharge originated at: ☐ Structure ☐ Application Field ☐ Other

a. Was the conveyance man-made?

☐ Yes ☐ No ☐ NA ☐ NE

b. Did the discharge reach waters of the State? (If yes, notify DWQ)

☐ Yes ☐ No ☐ NA ☐ NE

c. What is the estimated volume that reached waters of the State (gallons)?

\_\_\_\_\_

d. Does discharge bypass the waste management system? (If yes, notify DWQ)

☐ Yes ☐ No ☐ NA ☐ NE

2. Is there evidence of a past discharge from any part of the operation?

☐ Yes ☒ No ☐ NA ☐ NE

3. Were there any adverse impacts or potential adverse impacts to the Waters of the State other than from a discharge?

☐ Yes ☒ No ☐ NA ☐ NE

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**Waste Collection & Treatment**

4. Is storage capacity (structural plus storm storage plus heavy rainfall) less than adequate?

☐ Yes ☒ No ☐ NA ☐ NE

a. If yes, is waste level into the structural freeboard?

☐ Yes ☐ No ☐ NA ☐ NE

Structure 1

Structure 2

Structure 3

Structure 4

Structure 5

Structure 6

Identifier:

1

2

3

Spillway?:

Designed Freeboard (in):

Observed Freeboard (in):

32

48

64

5. Are there any immediate threats to the integrity of any of the structures observed?  
(ie/ large trees, severe erosion, seepage, etc.)☐ Yes ☐ No ☐ NA ☒ NE6. Are there structures on-site which are not properly addressed and/or managed  
through a waste management or closure plan?☐ Yes ☐ No ☐ NA ☒ NE

If any of questions 4-6 were answered yes, and the situation poses an immediate public health or environmental threat, notify DWQ

7. Do any of the structures need maintenance or improvement?

☐ Yes ☐ No ☐ NA ☒ NE8. Do any of the structures lack adequate markers as required by the permit?  
(Not applicable to roofed pits, dry stacks and/or wet stacks)☐ Yes ☐ No ☐ NA ☒ NE9. Does any part of the waste management system other than the waste structures require  
maintenance or improvement?☐ Yes ☐ No ☐ NA ☒ NE**Waste Application**10. Are there any required buffers, setbacks, or compliance alternatives that need  
maintenance/improvement?☐ Yes ☒ No ☐ NA ☐ NE

11. Is there evidence of incorrect application? If yes, check the appropriate box below.

☐ Yes ☒ No ☐ NA ☐ NE☐ Excessive Ponding ☐ Hydraulic Overload ☐ Frozen Ground ☐ Heavy Metals (Cu, Zn, etc.)☐ PAN ☐ PAN > 10% or 10 lbs ☐ Total Phosphorus ☐ Failure to Incorporate Manure/Sludge into Bare Soil☐ Outside of Acceptable Crop Window ☐ Evidence of Wind Drift ☐ Application Outside of Area

12. Crop type(s)

13. Soil type(s)

14. Do the receiving crops differ from those designated in the CAWMP?

☐ Yes ☐ No ☐ NA ☒ NE

15. Does the receiving crop and/or land application site need improvement?

☐ Yes ☐ No ☐ NA ☒ NE

16. Did the facility fail to secure and/or operate per the irrigation design or wettable acre determination?

☐ Yes ☐ No ☐ NA ☒ NE

17. Does the facility lack adequate acreage for land application?

☐ Yes ☐ No ☐ NA ☒ NE

18. Is there a lack of properly operating waste application equipment?

☐ Yes ☐ No ☐ NA ☒ NE**Comments (refer to question #): Explain any YES answers and/or any recommendations or any other comments.  
Use drawings of facility to better explain situations. (use additional pages as necessary):**

Reviewer/Inspector Name Megan H. Stiller

Phone: 948-3947

Reviewer/Inspector Signature: Megan H. Stiller

Date: 10-22-07

Facility Number: 52-02

Date of Inspection 12-22-07

**Required Records & Documents**

19. Did the facility fail to have Certificate of Coverage & Permit readily available? ☐ Yes ☐ No ☐ NA ☒ NE
20. Does the facility fail to have all components of the CAWMP readily available? If yes, check the appropriate box. ☐ WUP ☐ Checklists ☐ Design ☐ Maps ☐ Other ☐ Yes ☐ No ☐ NA ☒ NE
21. Does record keeping need improvement? If yes, check the appropriate box below. ☐ Yes ☐ No ☐ NA ☒ NE  
☐ Waste Application ☐ Weekly Freeboard ☐ Waste Analysis ☐ Soil Analysis ☐ Waste Transfers ☐ Annual Certification  
☐ Rainfall ☐ Stocking ☐ Crop Yield ☐ 120 Minute Inspections ☐ Monthly and 1" Rain Inspections ☐ Weather Code
22. Did the facility fail to install and maintain a rain gauge? ☐ Yes ☒ No ☐ NA ☐ NE
23. If selected, did the facility fail to install and maintain rainbreakers on irrigation equipment? ☐ Yes ☐ No ☒ NA ☐ NE
24. Did the facility fail to calibrate waste application equipment as required by the permit? ☐ Yes ☒ No ☐ NA ☐ NE
25. Did the facility fail to conduct a sludge survey as required by the permit? ☐ Yes ☒ No ☐ NA ☐ NE
26. Did the facility fail to have an actively certified operator in charge? ☐ Yes ☒ No ☐ NA ☐ NE
27. Did the facility fail to secure a phosphorus loss assessment (PLAT) certification? ☐ Yes ☐ No ☒ NA ☐ NE

**Other Issues**

28. Were any additional problems noted which cause non-compliance of the permit or CAWMP? ☐ Yes ☒ No ☐ NA ☐ NE
29. Did the facility fail to properly dispose of dead animals within 24 hours and/or document and report the mortality rates that were higher than normal? ☐ Yes ☒ No ☐ NA ☐ NE
30. At the time of the inspection did the facility pose an odor or air quality concern? If yes, contact a regional Air Quality representative immediately ☐ Yes ☐ No ☐ NA ☒ NE
31. Did the facility fail to notify the regional office of emergency situations as required by General Permit? (ie/ discharge, freeboard problems, over application) ☐ Yes ☒ No ☐ NA ☐ NE
32. Did Reviewer/Inspector fail to discuss review/inspection with an on-site representative? ☐ Yes ☒ No ☐ NA ☐ NE
33. Does facility require a follow-up visit by same agency? ☐ Yes ☒ No ☐ NA ☐ NE

**Additional Comments and/or Drawings:**

Pull #16 corn PAN 79.41 -4.67 } less than 10%  
 #20 corn PAN 76.37 5.86 }  
 #21 corn PAN 91.31 8.79 } 1976PM on IRR-2

Waste Analysis 3-2-07 #1-1.2 #2-.89 #3-.86

Calibration 8-2-06 w/ 1976PM

used 2456PM, but the solid set calibrated at 1976PM. When new Flow rate put into IRR-2 no overapplication greater than 10% occurred.